

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 458

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1354A, IDAHO CODE, TO PROVIDE PROVISIONS WHEN A RETIRED MEMBER RECEIVING A DISABILITY RETIREMENT ALLOWANCE MAY RETURN TO WORK, TO PROVIDE PROCEDURES AND TO DEFINE THE TERM "RETURN TO WORK."

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 13, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 59-1354A, Idaho Code, and to read as follows:

59-1354A. MEMBERS RECEIVING A DISABILITY RETIREMENT RETURNING TO WORK. (1) A retired member receiving a disability retirement allowance may return to work under the following conditions:

(a) The retired member must notify the executive director in writing in advance of the return to work; and

(b) The disability retirement allowance shall terminate upon such notification.

(2) The disability retirement allowance of a retired member who returns to work under subsection (1) of this section shall resume if:

(a) The retired member terminates his return to work within one hundred fifty (150) days from the date of the notification required in subsection (1) (a) of this section;

(b) The retired member makes a written request to the board; and

(c) The board determines that the member is disabled, as defined in section 59-1302(12), Idaho Code, and that the member could not successfully return to work because of the same disability on which his disability retirement was based.

(3) In making its decision, the board may require the member to submit medical records in support of his request and may require the member to submit to a medical examination. The refusal to submit such records or to submit to such examination shall constitute proof that the member is not disabled. If the board requires a medical examination, any costs associated with such examination must be paid by the member. A disability retirement allowance that is resumed under this section shall be payable the first of the month after the board makes the determination described herein.

(4) If a retired member receiving a disability retirement allowance who returns to work again meets the definition of employee as defined in section 59-1302(14) (A), Idaho Code, eligibility for disability retirement shall be determined in accordance with sections 59-1302(12), 59-1352 and 59-1354, Idaho Code.

(5) For the purposes of this section, "return to work" means being engaged in any activity for which compensation is normally paid.